

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 1-9 are pending. Claim 1 has been amended. No new matter has been added.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,134,801 to Kuroda in view of U.S. Patent No. 5,067,841 to Fukukawa et al. ("Fukukawa").

The Examiner contends that Kuroda discloses every single element of claim 1 except the use of an elastic material in the dust cover. The Examiner further contends that Fukukawa discloses the use of an elastic dust cover, and that it would have been obvious to one of ordinary skill in the art at the time of invention to combine Kuroda with Fukukawa.

Referring to Figure 2A from Kuroda, the Examiner has marked as "L1" that portion of the interface between the dust cover **60** and the flange **21** that wraps around to the outer circumferential surface (as opposed to the end face) of the flange **21**. He has also marked as "L2" that portion of the interface between the dust cover **60** and the flange **21** that nestles snugly between the end face of the flange **21** and the stud body **20**. However, the Examiner has switched "L1" and "L2" when explaining in the Remarks how the Examiner contends that Figure 2A reads on claim 1 of the present application. Therefore, Applicants' discussion below assumes that "L1" refers to the portion of the dust cover in Kuroda Figure 2A that contacts the end face of the flange **21**, and that "L2" refers to the portion of the dust cover that contacts the outer circumferential surface of the flange **21**. The Examiner contends that this "L1" corresponds to the first lip portion **54** of the

present application, and that this “L2” corresponds to the second lip portion **56** of the present application.

Portion **L1** forms a flat, planar interface with the end face of the flange **21**. It does not form a tip in contact with flange **21**. By contrast, the first lip portion **54** of the present application forms a tip, and the contact between the first lip portion **54** and the end face **55** of the brim portion **31** occurs only at this tip. Therefore, Figure 2A from Kuroda does not disclose the first lip portion that is claimed in amended claim 1. Since nothing else in Kuroda discusses or discloses the claimed first lip portion, Kuroda does not disclose the first lip portion at all.

Similarly, portion **L2** forms a flat, planar interface with the outer circumferential surface of the flange **21**. It does not form a tip in contact with flange **21**. By contrast, the second lip portion **56** forms a tip, and the contact between the second lip portion **56** and the outer circumferential surface **57** of the brim portion **31** occurs only at this tip. Therefore, Figure 2A from Kuroda does not disclose the second lip portion that is claimed in the present application. Since nothing else in Kuroda discusses or discloses the claimed second lip portion, Kuroda does not disclose the second lip portion at all.

Applicants have amended claim 1 to more fully claim the structure of the first and second lip portions of the dust cover. With respect to the first lip portion, Applicants now claim:

a first lip portion protruding from an outer circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion, and wherein the tip is closely fitted in a manner urged toward said end face.

This amendment is supported by Figures 1 and 2 of the present application-as-filed. Both figures show the first lip portion **54** protruding outward from the outer circumferential surface of the elastic dust cover **7**. Both figures also depict the first lip portion **54** forming a tip, which tip is fitted closely against the ball head-side end face **55** of the brim portion.

With respect to the second lip portion, Applicants have further amended claim 1 to recite:

a second lip portion which is tilted gradually, which protrudes from an outer circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion, which protrudes further outward than said first lip portion, and wherein the tip is closely fitted in a manner urged toward an outside surface of said brim portion.

This amendment is supported by Figures 1 and 2 of the present application-as-filed. Both figures depict the second lip portion **56** protruding further outward from the main body of the dust cover **7** than the first lip portion **54**. Both figures also depict the second lip portion **56** forming a tip, which tip is fitted closely against the outer circumferential surface **57** of the brim portion **31**.

Applicants submit that Kuroda does not disclose either the first lip portion **54** or the second lip portion **56** as claimed in amended claim 1.

Furthermore, neither Kuroda nor Fukukawa suggest the structure recited in amended claim 1. An advantage of the present invention is that the claimed first lip portion and second lip portion ensure that a tight seal is maintained even when the ball stud is “relatively greatly swayed,” i.e. deflected by a large angle from its resting position. One problem with prior incarnations of the ball joint, including the ball joint disclosed in Kuroda, is that the tight seal between the dust cover and the ball stud would often be lost when the ball stud was deflected by a large angle from its resting position. This would result in the introduction of unwanted foreign particles, e.g. dust, into the joint assembly. The first lip portion and second lip portion of the present invention remedy this problem.

Therefore, claim 1 should be allowable because it contains nonobvious elements that were not disclosed or suggested in either Kuroda or Fukukawa. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 2, 3, and 5 all depend on independent claim 1 and should be allowable based on their dependency upon an allowable base claim. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 4 and 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuroda and Fukukawa, and further in view of U.S. Patent No. 3,414,275 to Takahashi. As discussed above,

neither Kuroda nor Fukukawa disclose either the first lip portion **54** or the second lip portion **56** recited in amended claim 1. Furthermore, Takahashi does not disclose either of the claimed lip portions because lip portions **5a** and **5b** of Takahashi comprise flat, planar surfaces that are oriented orthogonally with respect to each other, neither of which form a tip (see col. 3, lines 1-8). Takahashi describes lip portion **5a** as an “axial lip” with a “surface, inwardly sloped” and lip portion **5b** as a “radial lip” with an “outer surface, inclined radially” (see col. 3, lines 8, 16-18). By contrast, the first lip portion **54** and second lip portion **56** of the present application are not oriented orthogonally with respect to each other. Instead, they both protrude outward in the same direction from the same surface of the dust cover **7**. Furthermore, both the first lip portion **54** and the second lip portion **56** form tips, whereas lip portions **5a** and **5b** from Takahashi are flat, planar surfaces that do not form tips. Therefore, Takahashi does not disclose either the first lip portion **54** or the second lip portion **56** recited in amended claim 1.

There is nothing in Kuroda, Fukukawa and Takahashi that discloses or suggests, alone or in any combination, the first and second lip portions recited in amended claim 1. Therefore, claims 4 and 6-8 should be allowable. Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

Each and every point raised in the Office Action dated July 10, 2008 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-9 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: October 6, 2008

Respectfully submitted,

By /Alexander D. Walter/
Alexander D. Walter
Registration No.: 60,419
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant